

Message Text

CONFIDENTIAL

PAGE 01 USBERL 00431 041459Z

53

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 IO-11 ACDA-05 SAJ-01 OMB-01 /077 W

----- 124532

P R 041430Z MAR 76

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC 2066

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 0431

E.O.11652: GDS

TAGS: PGOV, PFOR, WB, GE, GW, UR

SUBJECT: REICHSBAHN NON-COMPLIANCE WITH ALLIED
ORDERS

REF: USBERLIN 418

1. SUMMARY: FOLLOWING IS TEXT OF TAGESSPIEGEL'S
MARCH 3 COMMENATARY ON REICHSBAHN'S NON-COMPLIANCE WITH BK/O(75)15
BY POLITICAL EDITOR BOELKE CITED REFTEL.
END SUMMARY.

2. BEGIN TEXT: WHEN THE FEDERAL GEOVERNMENT AND THE
GDR AGREED AT THE END OF LAST YEAR TO IMPOVE RAIL AND
WATER TRAFFIC BETWEEN THE FEDERAL REPUBLIC AND BERLIN,
SUBJECT TO SUBSTANTIAL PAYMENTS FROM THE FEDERAL
REPUBLIC, THE THREE WESTERN ALLIES DISCOVERED A
DANGEROUS GAP IN THESE AGREEMENTS. THE AGREEMENTS
FOR TRACK AND TRAIN STATION CONSTRUCTION IN WEST BERLIN
COULD AROUSE THE IMPRESSION THAT GERMAN OFFICIALS,
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00431 041459Z

NOTABLY THE GDR GOVERNMENT, HAD JURISDICTIONAL POWER

OVER RAILROAD PROPERTY IN THE THREE WESTERN SECTORS. THE " DEUTSCH REICHSBAH" HAS TO BE SUR ALL OPERATING RIGHTS , BUT THE GDR GOVERNEMENT ENJOYS NO SOVEREIGN RIGHTS WHATSOEVER. THE RAILWAYS ARE SUBJECT ON THE CONTRARY TO THE LEGISLATIVE AUTHORITY OF THE ALLIES SINCE FOUR POWER AGREEMENTS ARE INVOLVED. TH ALLIES FOUND THAT IT WAS NECESSARY TO UNDERLINE THIS LEGAL POSITION AGAIN. IN ACCORDANCE WITH EARLIER PRECEDENTS THEY ORDERED THAT NO CONSTRUCTION MEASURES SHOULD BE UNDERTAKEN BEFORE THE RELEVANT DOCUMENTS AND PLANS WERE SUBMITTED TO THE ALLIED AUTHORITIES OF THE APPROPRIATE SECTOR. IT WAS EASY TO FORESEE THAT THE GDR WOULD ATTEMPT TO GET AROUND THIS ORDER. THE COMMUNIST CENTRAL ORGAN " NEUES DEUTSCHLAND" ANSWERED THE ALLIED ORDER IMMEDIATELY WITH THE POLEMIC THAT THE WESTERN ALLIES WERE ATTEMPTING TO CLAIM RESPONSIBILITY FOR RAIL OPERATIONS IN WEST BERLIN. MEANWHILE CONSTRUCTION WORK IS TAKING PLACE ON BEHALF OF THE REICHSBAHN AT THE WANNSEE AND CHARLOT- TENBURG STATIONS WITHOUT THE ALLIED ORDER BEING FOLLOWED. THE ALLIED AUTHORITIES IN THE SECTORS CONCERNED OBVIOUSLY DID NOT NOTICE THIS IN TIME. THEY HAVE NOW DESCRIBED THE WORK AS " PRELIMINARY MEASURES"--OBVIOUSLY IN ORDER TO GIVE THE GDR AN OPPORTUNITY TO FULFILL THE CONDITIONS OF THE ALLIED ORDER WITHOUT HAVING TO STOP THE WORK AS HAS HAPPENED IN ANOTHER CONTEXT. THIS WOULD OBVIOUSLY BE INCONVENIENT TO THE WESTERN ALLIES BECAUSE IT WOULD BE PROOF THAT THE NEGOTIATIONS BETWEEN THE FEDERAL GOVERNMENT AND THE GDR HAD BEEN CONDUCTED WITHOUT CONSIDERATION FOR ALLIED RESERVATIONS. ON THE OTHER HAND, IT IS JUST AS IMPOSSIBLE THAT THERE COULD BE AN ALLIED KOMMANDATURA ORDER WITH THE FORCE OF LAW WHICH THE WESTERN ALLIES COULD NOT ENFORCE IN THEIR OWN SECTORS. END TEXT.

3. DIE WELT ARTICLE ENTITLED " HONECKER'S POLITICS WITH THE REICHSBAHN" MARCH 3 REFTEL, TOOK SIMILAR LINE THOUGH IT DEALT MORE WITH FACTS THAN INTERPRETATION. IT INCLUDED, HOWEVER, FOLLOWING STATEMENT: BEGIN TEXT: NO DOUBT WAS LEFT IN ALLIED CIRCLES THAT THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 00431 041459Z

WORK WHICH HAS BEGUN AT WANNSEE WOULD BE IMPEDED IF IT WERE ATTEMPTED TO MAKE "CHANGES" ON REICHSBAHN PROPERTY WITHOUT APPROVAL. THE DECISION ABOUT THIS FALLS TO THE COMPETENCE OF THE COMMANDANT OF THE AFFECTED SECTOR , IN THIS CASE THE U.S. COMMANDANT. OBVIOUSLY, HOWEVER, THE GDR OFFICIALS ARE STILL BEING GIVEN TIME FOR THINKING. THE WORK AT WANNSEE STATION IS DESCRIBED AS " PRELIMINARY" MEASURES WHICH DO NOT

YET INVOLVE CHANGING OF THE EXISTING SITUATION. END
TEXT.

4. COMMENT: ALTHOUGH TO BEST OF OUR KNOWLEDGE
TAGESSPIEGEL AND WELT PIECES ARE RESULT OF INDPENEDNET
ANALYSIS BY THOSE PAPERS, COMMENTARIES ARE SURE TO
BE READ CLOSELY BY SOVIETS AND GDR AS FURTHER MESSAGES
OF ALLIED SERIOUSNESS. WHETHER THEY WILL ENCOURAGE
COMPLIANCE, OR, BECAUSE OF THEIR PUBLIC NATURE,
STIFFEN RESISTENCE, IS THE QUESTION. GEORGE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTRUCTION, TREATY COMPLIANCE, TEXT, REICHSBAHN, BERLIN RAILROAD ACCESS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USBERL00431
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760082-1233
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760393/aaaaddxq.tel
Line Count: 125
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 USBERLIN 418
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 19 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 APR 2004 by ElyME>; APPROVED <20 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REICHSBAHN NON-COMPLIANCE WITH ALLIED ORDERS
TAGS: PGOV, PFOR, ELTN, WB, GC, GE
To: BONN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006